

**U.S. District Court
Northern District of Alabama (Southern)
CIVIL DOCKET FOR CASE #: 2:20-cv-00816-MHH**

KGS Steel Inc v. McCandless et al
Assigned to: Judge Madeline Hughes Haikala
Cause: 28:1332 Diversity–Fraud

Date Filed: 06/09/2020
Date Terminated: 10/22/2020
Jury Demand: Both
Nature of Suit: 370 Other Fraud
Jurisdiction: Diversity

Plaintiff

KGS Steel Inc

represented by **Craig L Lowell**
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V.

Defendant

Houston McCandless

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ATTORNEY TO BE NOTICED

Defendant

Randall A Duke

represented by **Barry A Ragsdale**
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Defendant

Bentley Steel Inc

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ATTORNEY TO BE NOTICED

ThirdParty Plaintiff

Houston McCandless

represented by **Lance Leroy Goodson , Jr**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam David Knight
(See above for address)
ATTORNEY TO BE NOTICED

V.

ThirdParty Defendant

Gaston Stein

represented by **Craig L Lowell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Houston McCandless

represented by **Lance Leroy Goodson , Jr**
(See above for address)
LEAD ATTORNEY
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Sam David Knight
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V.

Counter Defendant

KGS Steel Inc

represented by **Craig L Lowell**
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David C Skinner
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Patrick L Pantazis
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/09/2020	I 1	COMPLAINT against Bentley Steel Inc, Randall A Duke, Houston McCandless, filed by KGS Steel Inc.(KEK) (Entered: 06/09/2020)
06/10/2020	I	Filing Fee: Filing fee \$ 400, receipt_number 1126-3606942 (ALND B4601106484) related document <u>1</u> COMPLAINT against Bentley Steel Inc, Randall A Duke, Houston McCandless, filed by KGS Steel Inc.(KEK). (Lowell, Craig) Modified on 6/10/2020 (KEK). (Entered: 06/10/2020)
06/16/2020	I 2	INITIAL ORDER. Signed by Judge Madeline Hughes Haikala on 8/16/2020. (KEK) (Entered: 06/16/2020)
06/18/2020	I 3	Request for service by certified mail filed by KGS Steel Inc. (Lowell, Craig) (Entered: 06/18/2020)
06/19/2020	I 4	Summons Issued as to Bentley Steel Inc, Randall A Duke. Sent via certified mail. (KEK) (Entered: 06/19/2020)
06/24/2020	I 5	Summons Issued as to Houston McCandless. Sent via certified mail. (KEK) (Entered: 06/24/2020)
06/25/2020	I 6	SUMMONS Returned Executed by KGS Steel Inc. Randall A Duke served on 6/22/2020, answer due 7/13/2020. (KEK) (Entered: 06/25/2020)
06/26/2020	I 7	SUMMONS Returned Executed by KGS Steel Inc. Bentley Steel Inc served (no date on green card). (KEK) (Entered: 06/26/2020)
07/08/2020	I 8	SUMMONS Returned Executed by KGS Steel Inc. Houston McCandless served on 7/3/2020, answer due 7/24/2020. (KEK) (Entered: 07/08/2020)
07/10/2020	I 9	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by Bentley Steel Inc. (Johnson, John) (Entered: 07/10/2020)
07/13/2020	I 10	TEXT ORDER: The Court grants defendant's unopposed motion for extension of time. (Doc. <u>9</u>). Defendant Bentley Steel, Inc. shall respond to the Complaint on or before 7/29/2020. Signed by Judge Madeline Hughes Haikala on 7/13/2020. (YMB) (Entered: 07/13/2020)
07/24/2020	I 11	ANSWER to <u>1</u> Complaint with Jury Demand , THIRD PARTY COMPLAINT against Gaston Stein, COUNTERCLAIM against KGS Steel Inc by Houston McCandless.(Knight, Sam) (Entered: 07/24/2020)

07/27/2020	<u>12</u>	NOTICE of Appearance by Jonathan Corley on behalf of Houston McCandless (Corley, Jonathan) (Entered: 07/27/2020)
07/29/2020	<u>13</u>	NOTICE of Appearance by Patrick L Pantazis on behalf of KGS Steel Inc (Pantazis, Patrick) (Entered: 07/29/2020)
07/29/2020	<u>14</u>	MOTION to Dismiss for Lack of Jurisdiction by Bentley Steel Inc. (Attachments: # <u>1</u> Exhibit 1)(Johnson, John) (Entered: 07/29/2020)
07/30/2020	<u>15</u>	TEXT ORDER: Bentley Steel, Inc. moves to dismiss for lack of personal jurisdiction under Rule 12(b)(2). (Doc. <u>14</u>). On or before August 12, 2020, KGS Steel, Inc. shall file a response; Bentley Steel may file a reply on or before August 19, 2020. Signed by Judge Madeline Hughes Haikala on 7/30/2020. (KEK) (Entered: 07/30/2020)
08/10/2020	<u>16</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>11</u> Answer to Complaint, Third Party Complaint, Counterclaim by KGS Steel Inc, Gaston Stein. (Lowell, Craig) (Entered: 08/10/2020)
08/11/2020	<u>17</u>	TEXT ORDER: The Court grant the parties' unopposed motion for extension of time. (Doc. <u>16</u>). KGS Steel Inc. and Gaston Stein are allowed an additional 14 days to file an Answer to the Counterclaim and Third–Party Complaint. Signed by Judge Madeline Hughes Haikala on 8/11/2020. (YMB) (Entered: 08/11/2020)
08/12/2020	<u>18</u>	RESPONSE in Opposition re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction filed by KGS Steel Inc. (Attachments: # <u>1</u> Exhibit Ex. 1)(Pantazis, Patrick) (Entered: 08/12/2020)
08/19/2020	<u>19</u>	REPLY Brief filed by Defendant Bentley Steel Inc re: <u>18</u> Response in Opposition to Motion to Dismiss for Lack of Personal Jurisdiction filed by Bentley Steel Inc. (Johnson, John) (Entered: 08/19/2020)
08/31/2020	<u>20</u>	<i>Counter Defendant KGS Steel, Inc.</i> ANSWER to Counterclaim , <i>Counter Defendant KGS Steel, Inc.</i> ANSWER to Third Party Complaint by KGS Steel Inc, Gaston Stein.(Lowell, Craig) (Entered: 08/31/2020)
08/31/2020	<u>21</u>	MOTION to Dismiss <i>Count II of Verified Counterclaim and Third–Party Complaint Against KGS Steel, Inc. and Gaston Stein</i> by KGS Steel Inc, Gaston Stein. (Lowell, Craig) (Entered: 08/31/2020)
09/03/2020	<u>22</u>	TEXT ORDER: KSG Steel, Inc. and Gaston Stein have asked the Court to dismiss Count II of Mr. McCandless's verified counterclaim and third–party complaint. (Doc. <u>21</u>). The Court has reviewed the factual allegations that support Count II of Mr. McCandless's counterclaim. Those factual allegations are sufficient to satisfy the heightened pleading standard of FRCP 9(b). Mr. McCandless's factual allegations are not mere conclusions but statements of specific facts describing the who, how, when, and where of the alleged fraudulent conduct. With respect to documentation, Mr. McCandless explains how he documented the sale of scrap, where he maintained the documentation, and what he believes happened to the documentation. (Doc. <u>11</u> , p. 15). Therefore, the Court denies the motion to dismiss Count II of Mr. McCandless's counterclaim. Signed by Judge Madeline Hughes Haikala on 9/3/2020. (KEK) (Entered: 09/03/2020)
09/04/2020	<u>23</u>	<i>Third–Party Defendant Gaston Stein's</i> ANSWER to Counterclaim and <i>Third–Party Complaint</i> , ANSWER to Third Party Complaint by KGS Steel Inc, Gaston Stein.(Lowell, Craig) (Entered: 09/04/2020)
09/10/2020	<u>24</u>	MOTION to Dismiss for Lack of Jurisdiction by Randall A Duke. (Humphries, Thomas) (Entered: 09/10/2020)
09/10/2020	<u>25</u>	TEXT ORDER: Randall Duke moves to dismiss for lack of personal jurisdiction under Rule 12(b)(2). (Doc. <u>24</u>). On or before September 24, 2020, KGS Steel, Inc. shall file a response; Randall Duke may file a reply on or before October 1, 2020. Signed by Judge Madeline Hughes

		Haikala on 9/10/2020. (KAM) (Entered: 09/10/2020)
09/10/2020	26	NOTICE of Appearance by Thomas B Humphries on behalf of Randall A Duke (Humphries, Thomas) (Entered: 09/10/2020)
09/10/2020	27	NOTICE of Appearance by Barry A Ragsdale on behalf of Randall A Duke (Ragsdale, Barry) (Entered: 09/10/2020)
09/18/2020	28	MOTION for Leave to Appear –Verified Motion for Admission Pro Hac Vice for Christina R.B. Lopez by Randall A Duke. (Humphries, Thomas) (Entered: 09/18/2020)
09/18/2020	29	PHV Fee paid: \$ 75, receipt number 1126–3674456. (Humphries, Thomas) (Entered: 09/18/2020)
09/18/2020	30	MOTION for Leave to Appear – Verified Motion for Admission Pro Hac Vice for Michael G. Abelow by Randall A Duke. (Humphries, Thomas) (Entered: 09/18/2020)
09/18/2020	31	PHV Fee paid: \$ 75, receipt number 1126–3674465. (Humphries, Thomas) (Entered: 09/18/2020)
09/24/2020	32	RESPONSE in Opposition re <u>24</u> MOTION to Dismiss for Lack of Jurisdiction filed by KGS Steel Inc, Gaston Stein. (Lowell, Craig) (Entered: 09/24/2020)
09/25/2020	33	NOTICE by Randall A Duke re <u>28</u> MOTION for Leave to Appear –Verified Motion for Admission Pro Hac Vice for Christina R.B. Lopez , <u>29</u> MOTION for Leave to Appear – Verified Motion for Admission Pro Hac Vice for Michael G. Abelow (<i>Notice of Filing Certificates of Good Standing for Michael G. Abelow and Christina Lopez</i>) (Humphries, Thomas) (Entered: 09/25/2020)
09/29/2020	34	TEXT ORDER: The Court grants Attorney Thomas Humphries' motions to admit Michael G. Abelow and Christina R.B. Lopez <i>pro hac vice</i> in this action. (Docs. <u>29</u> , <u>28</u>). Signed by Judge Madeline Hughes Haikala on 9/29/2020. (YMB) (Entered: 09/29/2020)
09/30/2020	35	REPLY Brief filed by Defendant Randall A Duke re: <u>24</u> MOTION to Dismiss for Lack of Jurisdiction filed by Randall A Duke. (Humphries, Thomas) (Entered: 09/30/2020)
10/12/2020	36	Joint MOTION for Extension of Time (<i>Joint Motion to Extend Deadlines as to Initial Disclosures and Rule 26(f) Obligations</i>) by Randall A Duke. (Humphries, Thomas) (Entered: 10/12/2020)
10/13/2020	37	TEXT ORDER: The Court grants the parties' joint motion for extension of time. (Doc. <u>34</u>). The parties shall conduct a Rule 26(f) meeting within 30 days after the Court rules on the pending Motions to Dismiss in this action. Signed by Judge Madeline Hughes Haikala on 10/13/2020. (YMB) (Entered: 10/13/2020)
10/19/2020	38	TEXT ORDER: Before the Court are Bentley Steel and Mr. Duke's motions to dismiss for lack of personal jurisdiction. (Docs. <u>14</u> , <u>24</u>). The Court sets these motions for a telephone conference on Thursday October 22, 2020 at 1:30 p.m. CST. Counsel of record shall please dial (877) 873–8018 and enter access code 5313999 to participate in the call. Signed by Judge Madeline Hughes Haikala on 10/19/2020. (KEK) (Entered: 10/19/2020)
10/22/2020	39	Minute Entry for proceedings held before Judge Madeline Hughes Haikala: Telephonic Motion Hearing held on 10/22/2020 re <u>24</u> MOTION to Dismiss for Lack of Jurisdiction filed by Randall A Duke. (Court Reporter Leah Turner.) (YMB) (Entered: 10/22/2020)
10/22/2020	40	ORDER – For the reasons discussed during the October 22, 2020 telephone conference in this matter, and with the consent of all the parties, the Court asks the Clerk of Court to please transfer this case to the United States District Court for the Middle District of Tennessee pursuant to 28 U.S.C. § 1406. Signed by Judge Madeline Hughes Haikala on 10/22/2020. (KEK) (Entered: 10/22/2020)